

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

UNITED STATES FIDELITY &
GUARANTY COMPANY,

Plaintiff,

v.

CIVIL ACTION NO. 5:03-0702

CHARLIE SANDERS,
LORETTA BAILEY, Administratrix
of the Estate of Shawn Keith Bailey,
DARREN C. LUSK d/b/a Big Chig, Inc.,
RONNIE JOE LUSK,
KAT TRUCKING COMPANY,
LOGAN & KANAWHA COAL CO., INC.,
BLUESTONE COAL CORPORATION,

Defendants.

JUDGMENT ORDER

Pending before the court are plaintiff United States Fidelity & Guaranty Company's ("USF&G") motions for summary judgment (Doc. Nos. 67 & 91) and defendant Bluestone Coal Corporation's ("Bluestone") motion for summary judgment (Doc. No. 89).

Having reviewed the record and applicable law, for the reasons outlined in an accompanying Memorandum Opinion, the court (1) **GRANTS** USF&G's motions for summary judgment (Doc. Nos. 67 & 91) and (2) **DENIES** Bluestone's motion for summary judgment (Doc. No. 89).

The Clerk is directed to strike this case from the active docket of the court and to send a copy of this Judgment Order to all counsel of record.

It is SO ORDERED this 23rd day of March, 2006.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Chief Judge